

# EXHIBIT 2

# Former Performer Claims HIV Infection at Porn Shoot, Sues Kink.com

By Rhett Pardon, XBIZ.com

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SAN FRANCISCO — Kink.com has been hit with a civil claim that seeks unspecified compensatory and punitive damages from a former adult performer identified only as John Doe who said he contracted HIV on the porn set.

In the suit filed at San Francisco Superior Court, Doe claims that he was exposed to HIV at a May 3, 2013, BoundInPublic.com shoot at the Kink.com's Armory complex despite that it was billed as a condom- and barrier protection-required production.

Doe, in the 36-page complaint, said he started working for the BDSM studio in 2011. He claimed he was "excited" to advance his career with a reputable company like Kink that offers "respectful and fair treatment of models," and that the company provides "clean, comfortable working conditions and an honest and approachable crew."

But the former performer in the suit said that although the studio claimed it tested all models for sexually transmitted diseases and HIV, he later learned that its policy applied only for "heterosexual models."

In the suit, he claims Kink.com discouraged condom use among gay performers, skipped testing for sexually transmitted diseases and HIV, and expected performers to have sex with untested strangers.

Doe's claim, which names Kink.com founder Peter Acworth and director Van Darkholme as defendants, said that he was restrained and blindfolded and forced to perform oral sex on dozens of "untested, unidentified members of the general public."

Doe said he cut his mouth during the May 3 performance, but he did not tell Darkholme because he did not want to risk his job or the \$100 perk he earned for each interaction with a member of the public.

About 15 days after the BoundInPublic.com shoot, Doe said he began to have chills and other symptoms, prompting him to go to the doctor.

After receiving an HIV-positive diagnosis, he claims he spiraled into deep depression and considered suicide by jumping off New York's George Washington Bridge.

Doe said that he narrowed down his point of HIV infection to the May 3 shoot "through a meticulous process of elimination and based on expert medical advice."

In the suit, he said that defendants failed to enforce rules under Section 5193, which pertains to the use of barrier production in adult films and bloodborne pathogen exposure control.

He also claims that after learning of his status, Kink.com failed to report his "diagnosis to the AIDS Healthcare Foundation, Cal/OSHA or the Free Speech Coalition.

"Had Kink defendants properly reported plaintiff John Doe's diagnosis to the appropriate authorities, the source

of John Doe's HIV infection could have been located and the further spread of the infection could have been prevented," he claims.

After seeing performer Cameron Bay's announcement in September 2013 that she had contracted HIV, Doe contacted the AIDS Healthcare Foundation, the sponsor of Measure B and the California porn-condom ballot drive.

Doe, with the help of the AHF, later filed a complaint with Cal/OSHA.

In claims against Kink, Acworth and Darkholme, Doe makes claims of fraud, civil conspiracy, negligence and intentional infliction of emotional distress.

He's asked for a jury trial and seeks compensatory and punitive damages, as well as attorneys fees.

Attorney Karen Tynan, who represents Kink.com as counsel, said that despite the sensational nature, Doe's case is without merit.

"The plaintiff has previously filed similar claims under worker's comp, and these were denied by the insurance company," Tynan told XBIZ. "As such, we expect it to be dismissed in civil court as well. None of these claims were made at the time of the shoots, and are easily refuted by detailed shoot records, our regular protocols, testimony from those present, email correspondence, and the videos themselves.

"As the plaintiff mentions, we have a strong reputation within the industry for both worker safety and professional ethics; unfortunately, because of the nature of BDSM, we're also more vulnerable to complaints like these that seek to play out in the court of public opinion."

Tynan told XBIZ that it's "perhaps no coincidence that a previously dead case suddenly surfaces a few weeks before an OSHA standards board hearing on May 21."

"AIDS Healthcare Foundation has been touting this case for several years, but the facts never seem to bear out. For it to suddenly surface as civil litigation with explicit mention of AHF in the court documents would certainly point to this being a political maneuver, as opposed to one with any real chance of success."

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